

IN RE: PETITION FOR VARIANCE	* BEFORE THE
N/S Aston Court, 1170' SE of the	* ZONING COMMISSIONER
c/l of Garrison Forest Road	* OF BALTIMORE COUNTY
(24 Aston Court)	* Case No. 95-31-A
4th Election District	*
3rd Councilmanic District	
Dr. David Mishkin	
Petitioner	

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for that property known as 24 Aston Court, located in the vicinity of Timber Grove in northern Baltimore County. The Petition was filed by the owner of the property, Dr. David Mishkin. The Petitioner seeks relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a building setback distance from the western lot line of 47 feet in lieu of the required 50 feet and an amendment to the Final Development Plan for Lot 14 of Worthington Park, Section II, accordingly, for a proposed dwelling. The subject property and relief sought are more particularly described on the plan submitted into evidence as Petitioner's Exhibit 1.

Appearing on behalf of the Petition were Dr. David Mishkin, property owner. There were no Protestants present.

Testimony and evidence offered revealed that the subject property consists of 3.2601 acres, more or less, zoned R.C. 5 and is presently unimproved. The Petitioner seeks to develop the property with a single family dwelling in accordance with Petitioner's Exhibit 1. Due to the unusual shape of the lot, similar to a keyhole, and the location of the septic reserve area, the requested variance is necessary. Dr. Mishkin testified that the proposed dwelling will be a 5300 sq.ft., custom built

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

home and that its location on the property was determined to be the most suitable, given the tight building envelope which was created by the septic reserve area and the proposed development on the adjoining lots. In support of his request, the Petitioner submitted a letter dated August 25, 1994 from Louis J. Siegel, President and Managing Partner for the Garrison Joint Venture, owner of adjoining Lots 13 and 15. Mr. Siegel states that his company approves development plans for the Architectural Committee for Worthington Park and that they believe the location of the proposed dwelling is in an excellent setting with respect to the proposed development of Lots 13 and 15. Mr. Siegel further states that the location of the proposed dwelling is the only acceptable "fit" which will be approved by their committee and that they believe the proposed location of this home will enhance the future value of their lots in this subdivision.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

ORDER RECEIVED FOR FILING

Date

By

NOT RECORDED

It is clear from the testimony that if the variance is granted, such use, as proposed, will not be contrary to the spirit of the B.C.Z.R. and will not result in any injury to the public good.

After due consideration of the testimony and evidence presented, it is clear that practical difficulty or unreasonable hardship will result if the variance is not granted. It has been established that special circumstances or conditions exist that are peculiar to the land or structure which is the subject of this variance request and that the requirements from which the Petitioner seeks relief will unduly restrict the use of the land due to the special conditions unique to this particular parcel. In addition, the variance requested will not cause any injury to the public health, safety or general welfare. Further, the granting of the Petitioner's request is in strict harmony with the spirit and intent of the B.C.Z.R.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 29th day of August, 1994 that the Petition for Variance seeking relief from Section 1A04.3.B.3 of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a building setback distance from the western lot line of 47 feet in lieu of the required 50 feet and to amend the Final Development Plan for Lot 14 of Worthington Park, Section II, accordingly, for a proposed dwelling, in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject to the following restrictions:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such

ORDER RECEIVED FOR FILING


Date

By

time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

2) Compliance with the Zoning Plans Advisory Committee (ZAC) comments submitted by the Department of Environmental Protection and Resource Management (DEPRM) dated August 12, 1994.

3) When applying for a building permit, the site plan filed must reference this case and set forth and address the restrictions of this Order.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING
Date 3/29/94
By REP

MICROFILMED

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

August 29, 1994

Dr. David Mishkin
2106 Heritage Drive
Baltimore, Maryland 21209

RE: PETITION FOR VARIANCE
N/S Aston Court, 1170' SE of the c/l of Garrison Forest Road
(24 Aston Court)
4th Election District - 3rd Councilmanic District
Dr. David Mishkin - Petitioner
Case No. 95-31-A

Dear Dr. Mishkin:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in black ink, appearing to read "Lawrence E. Schmidt", is written over the typed name.

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Louis J. Siegel
14 Straw Hat Road, Owings Mills, Md. 21117

People's Counsel

✓ File

MICROFILMED



31



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at

24 Aston Court

which is presently zoned

RC - 5

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section(s) 1A04.3B.3 (B.C.Z.R.) to permit a distance of 47 feet in lieu of the required 50 feet building setback for the western lot line, AND TO AMEND THE LAST APPROVED FINAL DEVELOPMENT PLAN FOR LOT #14 IN WORTHINGTON PARK SECT. II

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

To be discussed at Hearing

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Engineer TO BE CONTACTED

W. Duvall & Associates, Inc.
(Type or Print Name)

Henry McCubbin
Signature

530 East Joppa Road
Address

Towson Maryland 21286
City State Zipcode

Attorney for Petitioner:

(Type or Print Name)

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Legal Owner(s):

Dr. David Mishkin
(Type or Print Name)

David Mishkin
Signature

(Type or Print Name)

Signature

(410) 602-1470 (H)

2106 Heritage Drive (410) 484-5686 (W)
Address Phone No.

Baltimore Maryland 21209
City State Zipcode

Name, Address and phone number of legal owner, contract purchaser or representative to be contacted.

Louis Siegel
Name

14 Straw Hat Road (410) 356-4400
Address Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

ORDER RECEIVED FOR FILING

Date

By



RECORDED

W. DUVALL & ASSOCIATES, INC.

31

Engineers • Surveyors • Land Planners

July 25, 1994
ZONING DESCRIPTION
#24 ASTON COURT

LOT 14 SECTION TWO WORTHINGTON PARK
3RD COUNCILMANIC DISTRICT 4TH ELECTION DISTRICT
BALTIMORE COUNTY, MARYLAND

BEGINNING for the same at a point on the northernmost right of way line of Aston Court (50' cul de sac), said point being South 80 degrees East 1170 feet more or less from the centerline intersection of Garrison Forest Road (variable width right of way) and said Aston Court (50' right of way); thence leaving said Aston Court

- 1) North 08 degrees 34 minutes 19 seconds East 552.61 feet; thence
- 2) North 18 degrees 04 minutes 49 seconds East 586.52 feet; thence
- 3) South 88 degrees 54 minutes 35 seconds East 59.00 feet; thence
- 4) South 11 degrees 50 minutes 13 seconds West 510.02 feet; thence
- 5) South 05 degrees 12 minutes 40 seconds West 387.74 feet; thence
- 6) South 09 degrees 55 minutes 14 seconds East 148.18 feet; thence
- 7) South 00 degrees 00 minutes 00 seconds West (Due South) 90.00 feet; thence
- 8) South 87 degrees 05 minutes 21 seconds West 172.00 feet to intersect the above mentioned Aston Court; thence binding thereon
- 9) By a curve to the left having a radius of 50.00 feet and an arc length of 47.94 feet to the point of beginning.

CONTAINING 142,009.96 square feet or 3.2601 acres of land, more or less.

BEING KNOWN AND DESIGNATED as No.24 Aston Court and shown as Lot No. 14 on a plat entitled "Resubdivision of Lots 1 thru 25 Section Two Worthington Park" and recorded among the Land Records of Baltimore County in Plat Book S.M. 60 Folio 50.



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

95-31-A

District 4th Date of Posting 8/5/94

Posted for: Variance

Petitioner: Dr. David Mishkin

Location of property: 241 Aston Court, N/S

Location of Signs: Facing roadway, on property being zoned

Remarks: _____

Posted by M. Heater Date of return: 8/12/94
Signature

Number of Signs: _____

MICROFILMED



NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204, or Room 106, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #98-31A
(Item 31)
24 Aston Court
N/S Aston Court, 1170' SE
of o/ Garrison Forest Road
4th Election District
3rd Councilmanic
Petitioner(s):
Dr. David Mishkin
Hearing: Friday,
August 26, 1994 at 11:00
a.m. in Rm. 106, County Of-
fice Building.

Variance to permit a dis-
tance of 47 feet in lieu of the re-
quired 50 feet building setback
for the western lot line and to
amend the last approved final
development plan of lot #14 in
Worthington Park, Section II.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handi-
capped Accessible; for special ac-
commodations Please Call
887-3353.

(2) For information concern-
ing the File and/or Hearing, Please
Call 887-3391.
8/088 - August 11.

CERTIFICATE OF PUBLICATION

TOWSON, MD.,

August 12 1994

THIS IS TO CERTIFY, that the annexed advertisement was
published in THE JEFFERSONIAN, a weekly newspaper published
in Towson, Baltimore County, Md., once in each of 1 successive
weeks, the first publication appearing on Aug 11, 1994.

THE JEFFERSONIAN,

A. Henrich
LEGAL AD. - TOWSON

Subscribed

RECORDED



Baltimore County
Zoning Administration &
Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

Date

7/22/94

Account: R-001-6150

Number

31

By JLL

1 RES VAR FILING FEE

CODES

010 \$ 50.00

1 AMENDMENT (SPECIAL HIRING)

030 \$ 50.00

1 SIGN POSTING.

080 \$ 35.00

TOTAL \$ 135.00

OWNER MISHKIN

LOC ~~24~~ #24 ASTON CT.

03A03#0436MICHR

BA C010:21AM07-28-94

MICROFILMED

\$135.00

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

(410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

ARNOLD JABLON, DIRECTOR

For newspaper advertising:

Item No.: 31

Petitioner: DR. DAVID MISHKIN

Location: ~~24~~ Aston Court

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Louis Siegel

ADDRESS: 14 STRAW HAT Rd.

Owings Mills, MD. 21117

PHONE NUMBER: (410) 356-4400

AJ:ggs

(Revised 04/09/93)

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

AUG. 04 1994

(410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-31-A (Item 31)

24 Aston Court

N/S Aston Court, 1170' SE of c/l Garrison Forest Road

4th Election District - 3rd Councilmanic

Petitioner(s): Dr. David Mishkin

HEARING: FRIDAY, AUGUST 26, 1994 at 11:00 a.m. in Room 106, County Office Building.

Variance to permit a distance of 47 feet in lieu of the required 50 feet building setback for the western lot line and to amend the last approved final development plan of lot #14 in Worthington Park, Section II.

A handwritten signature in black ink, appearing to read "Arnold Jablon".

Arnold Jablon
Director

cc: Dr. David Mishkin
Louis Siegel
W. Duvall & Associates, Inc.

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



100-111111

TO: PUTUXENT PUBLISHING COMPANY
August 11, 1994 Issue - Jeffersonian

Please forward billing to:

Louis Siegel
14 Straw Hat Road
Owings Mills, Maryland 21117
356-4400

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-31-A (Item 31)

24 Aston Court

N/S Aston Court, 1170' SE of c/l Garrison Forest Road

4th Election District - 3rd Councilmanic

Petitioner(s): Dr. David Mishkin

HEARING: FRIDAY, AUGUST 26, 1994 at 11:00 a.m. in Room 106, County Office Building.

Variance to permit a distance of 47 feet in lieu of the required 50 feet building setback for the western lot line and to amend the last approved final development plan of lot #14 in Worthington Park, Section II.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

RECORDED-18 AUG 11 1994

Baltimore County Government
Office of Zoning Administration
and Development Management



111 West Chesapeake Avenue
Towson, MD 21204

August 24, 1994

(410) 887-3353

Dr. David Mishkin
2106 Hertage Drive
Baltimore, MD 21209

RE: Item No. 31, Case No. 95-31-A
Petitioner: Dr. David Mishkin
Petition for Variance

Dear Dr. Mishkin:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on July 28, 1994, and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

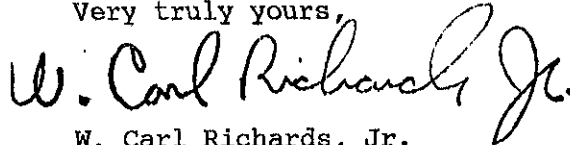
- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

MICROFILMED

2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.

3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,

A handwritten signature in cursive script that reads "W. Carl Richards, Jr.".

W. Carl Richards, Jr.
Zoning Coordinator

WCR:jw

Enclosures

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 08/09/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owners:

LOCATION: SEE BELOW

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

3. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 25, 26, 29, 30, 31, 32,
33 AND 34.

RECEIVED
AUG 9 1994

ZADM

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 807-4881, MS-1102F

cc: File





Maryland Department of Transportation
State Highway Administration

Secretary
Hal Kassoff
Administrator

8-2-94

JULIE WINIARSKI;
Ms. ~~Charlotte Minton~~
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: ~~Q~~ 31 (JLL)

WINIARSKI;
Dear Ms. ~~Minton~~:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small

for DAVID N. RAMSEY, ACTING CHIEF
~~John Contestabile, Chief~~
Engineering Access Permits
Division

BS/

RECEIVED
AUG 2 1994

ZADM

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

MICROFILMED

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

95-31

August 12, 1994

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson *JLP*
Development Coordinator, DEPRM

SUBJECT: Zoning Item #31 - Mishkin Property
24 Aston Court
Zoning Advisory Committee Meeting of August 8, 1994

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Add the following note which was shown on the original CRG Plan which was approved on 12-23-87. "There will be no clearing, grading, or construction within the buffer area except as allowed by the Baltimore County Water Quality Management Policy."

✓
JLP:GCS:sp

MISHKIN/DEPRM/TXTSBP

MICROFILMED

hearing 8/26/94

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: August 12, 1994

95-31

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 24, 25, 26, 29, 30, 31, 32, 33 and 34.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Edna L. Kerns

PK/JL:lw

ENCLOSURE

RE: PETITION FOR VARIANCE	*	BEFORE THE
24 Aston Court, N/S Aston Court,		
1170' SE of c/l Garrison Forest Rd	*	ZONING COMMISSIONER
4th Election Dist., 3rd Councilmanic	*	
		OF BALTIMORE COUNTY
Dr. David Mishkin		
Petitioner	*	CASE NO. 95-31-A
* * * * *		

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
 PETER MAX ZIMMERMAN
 People's Counsel for Baltimore County

Carole S. Demilio
 CAROLE S. DEMILIO
 Deputy People's Counsel
 Room 47, Courthouse
 400 Washington Avenue
 Towson, MD 21204
 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of August, 1994, a copy of the foregoing Entry of Appearance was mailed to George McCubbin, W. Duvall & Assoc., 530 E. Joppa Road, Towson, MD 21204, and to Louis Siegel, 14 Straw Hat Road, Owings Mills, MD 21117, representatives for Petitioners.

RECEIVED

AUG 19 1994

ZADM

Peter Max Zimmerman
 PETER MAX ZIMMERMAN

JUL 20 1994

DEVELOPERS • INVESTORS • MANAGERS

SIEGEL

A REAL ESTATE COMPANY

August 25, 1994

Director Office of Planning and Zoning
Baltimore County, Maryland 21204

RE: Variance for Dr. David David Mishkin residence, Lot 14, Estates at Worthington Park.

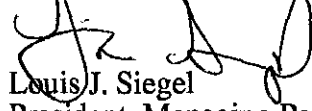
Dear Sir or Madam,

We are the owner of Lots 15 and Lot 13 which are directly adjacent to Dr. Mishkin's lot. Specifically, Lot 15 shares the common property line with the sidelot setback which Dr. Mishkin wishes to reduce. We are also the approver of plans for the Architectural Committee in this subdivision. We have reviewed the Variance Plat dated July 26, 1994 and are in complete support of Dr. Mishkin's application. He has expended considerable money and effort to prepare the architectural drawings for his home and we have worked closely with him to site the house in an excellent setting relative to the proposed locations of the future homes to be built on our adjacent lots. We further believe that the proposed house location will enhance the future value of our lots. Due to a tight building envelope caused by septic reservation restrictions, the layout proposed on the plat attached to the variance application is the only acceptable "fit" for the house on the lot which the Architectural Committee will approve.

We trust this letter has been sufficient to allow the approval of this variance without further review. We are available for any additional discussions which your department may have at your convenience. Please do not hesitate to call me at 410-356-4400.

Very truly yours,

GARRISON JOINT VENTURE



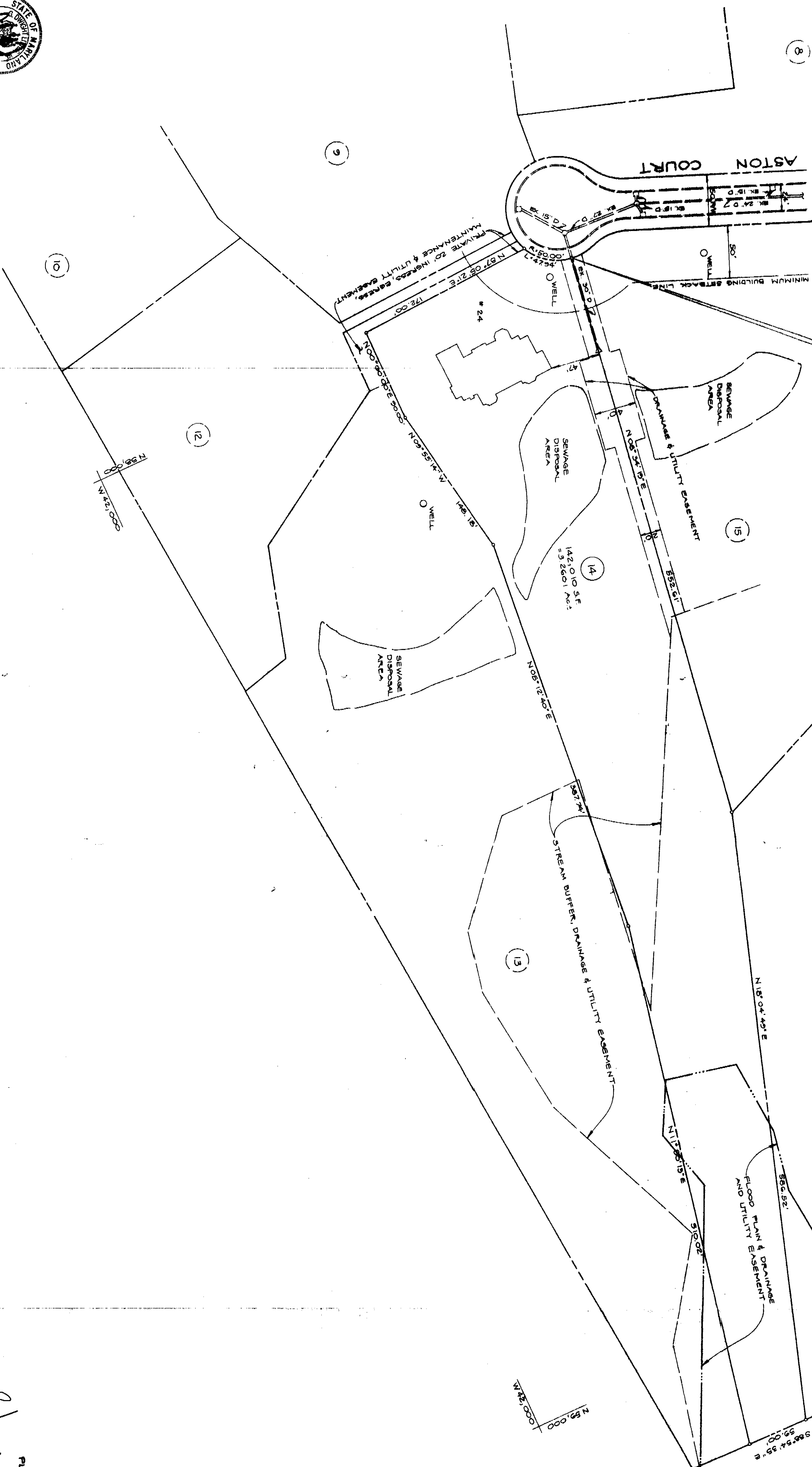
Louis J. Siegel
President, Managing Partner

LJS/jgs

Handwritten note:
LJS/jgs 8/25/94

BALTIMORE COUNTY GRID NORTH

POINT OF BEGINNING
BEING S 80° E 1170'±
FROM THE CENTERLINE OF
SANDLION FOREST ROAD

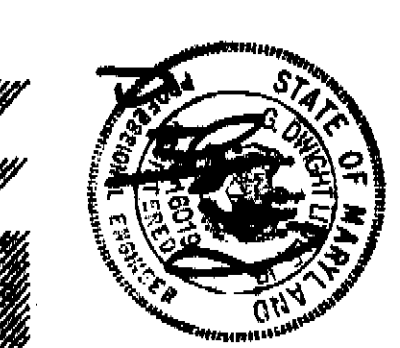


LOCATION MAP

GENE MARR

NOTES:
1. THIS MAP IS A PRELIMINARY MAP AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.
2. THE MAP IS A PRELIMINARY MAP AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.
3. THE MAP IS A PRELIMINARY MAP AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.

NOTES:
1. THIS MAP IS A PRELIMINARY MAP AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.
2. THE MAP IS A PRELIMINARY MAP AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.
3. THE MAP IS A PRELIMINARY MAP AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.



W. DUVALL & ASSOCIATES, INC.
ENGINEERS, SURVEYORS, LAND PLANNERS
330 EAST JOPPA ROAD
JOPPA, MARYLAND 21091
TEL: (410) 583-9571
FAX: (410) 583-1513

BUILDER:
LANDY CONSTRUCTION COMPANY
14 STRAW HAT RD.
OWINGS MILLS, MARYLAND 21117
(410) 586-4400

OWNER:
DR. DAVID MISHKIN
2100 HERITAGE DRIVE
BALTIMORE, MARYLAND 21209
(410) 484-5686

PLAT TO ACCOMPANY PETITION
FOR ZONING VARIANCE
WORTHINGTON PARK
SECTION II
LOT #14
SCALE: 1"=50'
4TH ELECTION DISTRICT BALTO. CO., MD.
COUNCILMANIC DISTRICT 5 JULY 26, 1994

**PETITIONER'S
EXHIBIT NO. 1**

MICROFILMED

JUL 27 1994

receipt

111 West Chesapeake Avenue
Towson, MD 21204

Account: R0016150
Number: 31
3, JLL

1/RES VAR FILING FEE (0000) 010 \$ 50.00
1/ADVERTISING (0000) 030 \$ 50.00
1/STAMP FILING 080 \$ 35.00
TOTAL \$ 135.00

OWNER: MISHKIN
100 - 24 ASTON CT.
03403443426MIDHPL \$135.00
88 1310:21AM07-28-94
Please Make Checks Payable To: Baltimore County

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 (410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighborhood property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- 1) Posting fees will be assessed and paid to this office at the time of filing.
- 2) Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon, Director

For newspaper advertising:
Item No.: 31
Petitioner: Dr. David Mishkin
Location: 24 Aston Court
PLEASE FORWARD ADVERTISING BILL TO:
NAME: Louis Siegel
ADDRESS: 14 Stew Hat Rd.
Dwight Mills, MD 21117
PHONE NUMBER: (410) 352-4400

Ad:ggg (Revised 04/09/93)

TO: PUTNEY PUBLISHING COMPANY
August 11, 1994 Issue - Jeffersonian

Please forward billing to:
Louis Siegel
14 Stew Hat Road
Dwight Mills, Maryland 21117
352-4400

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-31-A (Item 31)
24 Aston Court
W/S Aston Court, 1170' SE of c/l Garrison Forest Road
4th Election District - 3rd Councilmanic
Petitioner(s): Dr. David Mishkin
HEARING: FRIDAY, AUGUST 26, 1994 at 11:00 a.m. in Room 106, County Office Building.

Variance to permit a distance of 47 feet in lieu of the required 50 feet building setback for the western lot line and to amend the last approved final development plan of lot #14 in Worthington Park, Section II.

LAWRENCE E. SCHMIDT
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3351.

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 AUG. 0 4 1994 (410) 887-3353

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 95-31-A (Item 31)
24 Aston Court
W/S Aston Court, 1170' SE of c/l Garrison Forest Road
4th Election District - 3rd Councilmanic
Petitioner(s): Dr. David Mishkin
HEARING: FRIDAY, AUGUST 26, 1994 at 11:00 a.m. in Room 106, County Office Building.

Variance to permit a distance of 47 feet in lieu of the required 50 feet building setback for the western lot line and to amend the last approved final development plan of lot #14 in Worthington Park, Section II.

Arnold Jablon, Director

cc: Dr. David Mishkin
Louis Siegel
W. Duval & Associates, Inc.

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3351.

Printed with Soybean Ink on Recycled Paper

Baltimore County Government
Office of Zoning Administration
and Development Management

111 West Chesapeake Avenue
Towson, MD 21204 August 24, 1994 (410) 887-3353

Dr. David Mishkin
2106 Heritage Drive
Baltimore, MD 21209

RE: Item No. 31, Case No. 95-31-A
Petitioner: Dr. David Mishkin
Petition for Variance

Dear Dr. Mishkin:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on July 28, 1994, and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- 1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a preliminary review by Zoning personnel.

Zoning Plans Advisory Committee Comments
August 24, 1994
Page 2

- 2) Anyone using this system should be fully aware that they are responsible for the accuracy and completeness of any such petition. All petitions filed in this manner will be reviewed and commented on by Zoning personnel prior to the hearing. In the event that the petition has not been filed correctly, there is always a possibility that another hearing will be required or the Zoning Commissioner will deny the petition due to errors or incompleteness.
- 3) Attorneys, engineers and applicants who make appointments to file petitions on a regular basis and fail to keep the appointment without a 72 hour notice will be required to submit the appropriate filing fee at the time future appointments are made. Failure to keep these appointments without proper advance notice, i.e. 72 hours, will result in the forfeiture loss of the filing fee.

Very truly yours,
W. Carl Richards, Jr.
W. Carl Richards, Jr.
Zoning Coordinator

WCR:jw
Enclosures

Baltimore County Government
Fire Department

700 East Joppa Road Suite 901
Towson, MD 21286-5500 (410) 887-4500

DATE: 08/09/94

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner:
LOCATION: SEE BELOW
Item No.: SEE BELOW
Zoning Agenda:
Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

9. The Fire Department's Office has no comments at this time, in reference to the following item numbers: 25,26,29,30,31,32, 33 AND 34.

REVIEWER: LT. ROBERT F. SOUVERNAID
Fire Marshal Office, PHONE 887-4881, NS-1105F

cc: File

Printed on Recycled Paper

Maryland Department of Transportation
State Highway Administration

Secretary
Hal Kassoff
Administrator

8-2-94

JULIE WIAWESKI
Ms. Charlotte-Mishkin
Zoning Administration and
Development Management
County Office Building
Room 109
111 W. Chesapeake Avenue
Towson, Maryland 21204

Re: Baltimore County
Item No.: 31 (JLL)

Dear Ms. Mishkin:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration project.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,
Bob Small
for DAVID A. RAMSEY, ACTING CHIEF
John Contestabile, Chief
Engineering Access Permits
Division

BS/

RECEIVED
AUG 2 1994
ZADM

My telephone number is _____
Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Stenotype Toll Free
Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. Arnold Jablon, Director
Zoning Administration and
Development Management

FROM: J. Lawrence Pilson
Development Coordinator, DEPRM

SUBJECT: Zoning Item #31 - Mishkin Property
24 Aston Court
Zoning Advisory Committee Meeting of August 8, 1994

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Development of the property must comply with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Add the following note which was shown on the original CRG Plan which was approved on 12-23-87. "There will be no clearing, grading, or construction within the buffer area except as allowed by the Baltimore County Water Quality Management Policy."

JLP:GCS:sp
MISHKIN/DEPRM/TXTSBP

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: August 12, 1994

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 24, 25, 26, 29, 30, 31, 32, 33 and 34.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey M. Long
Division Chief: Edna L. Kenna

PK/JL:lw

ZAC.24/PZONE/ZACL

RE: PETITION FOR VARIANCE
24 Aston Court, N/S Aston Court,
1170' SE of c/1 Garrison Forest Rd
4th Election Dist., 3rd Councilmanic

Dr. David Mishkin
Petitioner

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
CASE NO. 95-31-A

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18th day of August, 1994, a copy of the foregoing Entry of Appearance was mailed to George McCubbin, W. Duvall & Assoc., 530 E. Joppa Road, Towson, MD 21204, and to Louis Siegel, 14 Straw Hat Road, Owings Mills, MD 21117, representatives for Petitioners.

RECEIVED
AUG 19 1994
ZADM

DEVELOPERS-INVESTORS-MANAGERS
SIEGEL
A REAL ESTATE COMPANY

August 25, 1994

Director Office of Planning and Zoning
Baltimore County, Maryland 21204

RE: Variance for Dr. David David Mishkin residence. Lot 14, Estates at Worthington Park.

Dear Sir or Madam,

We are the owner of Lots 15 and Lot 13 which are directly adjacent to Dr. Mishkin's lot. Specifically, Lot 15 shares the common property line with the sidelot setback which Dr. Mishkin wishes to reduce. We are also the approver of plans for the Architectural Committee in this subdivision. We have reviewed the Variance Plat dated July 26, 1994 and are in complete support of Dr. Mishkin's application. He has expended considerable money and effort to prepare the architectural drawings for his home and we have worked closely with him to site the house in an excellent setting relative to the proposed house location will enhance the future value of our lots. We further believe that the proposed house location will enhance the future value of our lots. Due to a tight building envelope caused by septic reservation restrictions, the layout proposed on the plat attached to the variance application is the only acceptable "fit" for the house on the lot which the Architectural Committee will approve.

We trust this letter has been sufficient to allow the approval of this variance without further review. We are available for any additional discussions which your department may have at your convenience. Please do not hesitate to call me at 410-356-4400.

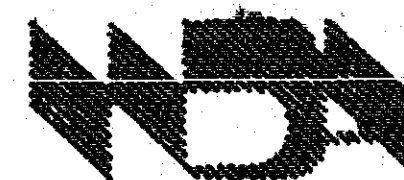
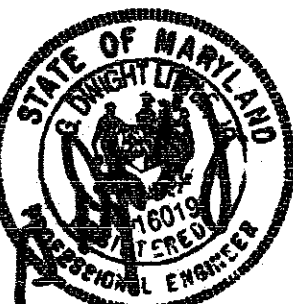
Very truly yours,

GARRISON JOINT VENTURE

Louis J. Siegel
Louis J. Siegel
President, Managing Partner

LJS/jgs

The Herbert J. Siegel Organization, Inc. • 14 Straw Hat Road • Owings Mills, Maryland 21117 • (410) 356-4400



W. DUVALL & ASSOCIATES, INC.
ENGINEERS - SURVEYORS - LAND PLANNERS
535 EAST JUPPA ROAD
TOWSON, MARYLAND 21206
TEL. (410) 583-9571
FAX (410) 583-1813

BUILDER
LANDY CONSTRUCTION COMPANY
14 STRAW HAT RD.
OWINGS MILLS, MARYLAND 21117
(410) 586-4400

OWNER
DR. DAVID MISHKIN
2106 HERITAGE DRIVE
BALTIMORE, MARYLAND 21209
(410) 484-5666

PLAT TO ACCOMPANY PETITION
FOR ZONING VARIANCE
WORTHINGTON PARK
SECTION II
*24 ASTON COURT
LOT #14 SCALE: 1"=50'
4TH ELECTION DISTRICT BALTO. CO., MD.
COUNCILMANIC DISTRICT 5 JULY 25, 1994

LOCATION MAP

SCALE: 1"=1000'

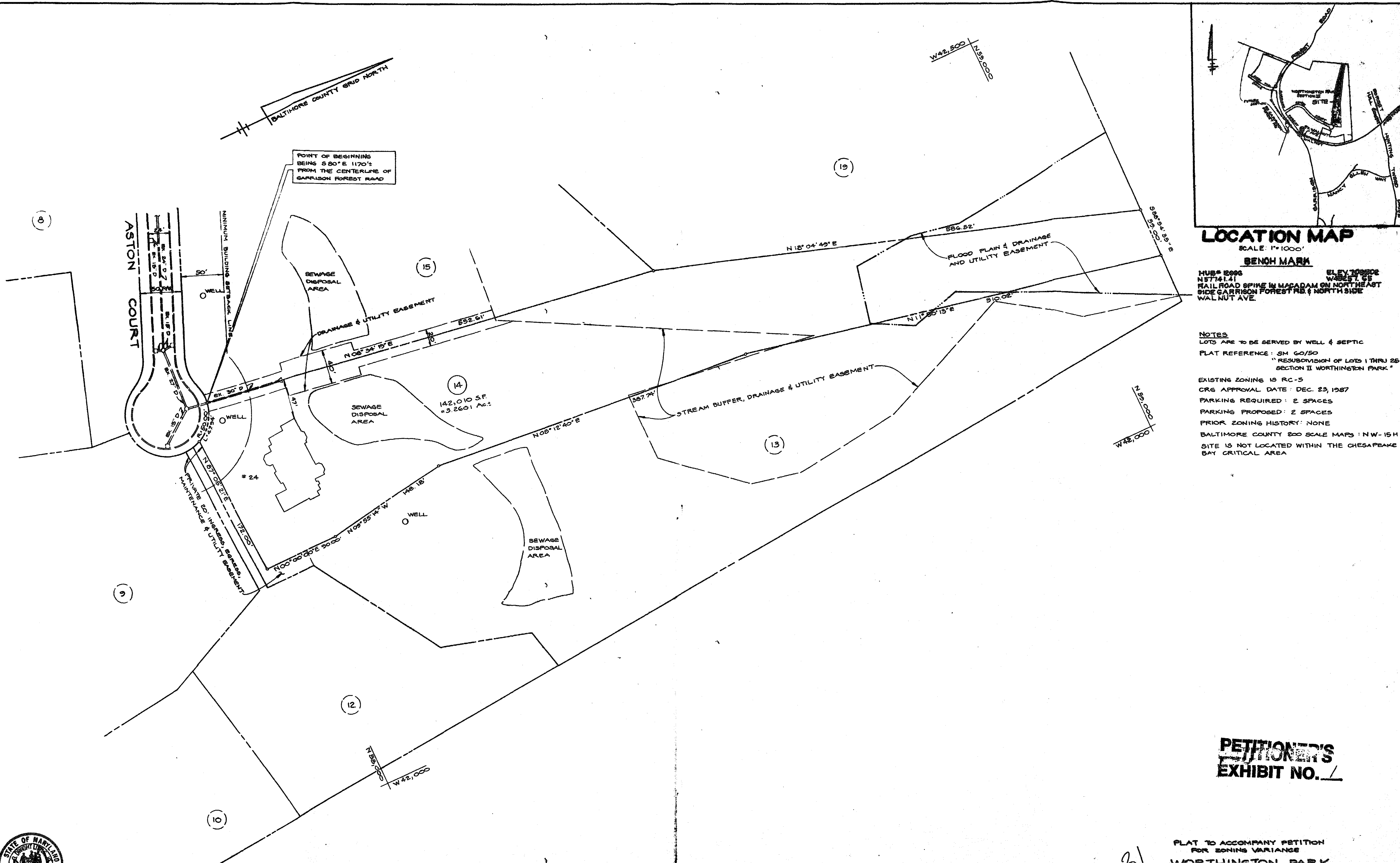
BENCHMARK

HUB# 12996
N57°41.41'
RAILROAD SPIKE IN MACADAM ON NORTHEAST
SIDE GARRISON FOREST RD. & NORTH SIDE
WALNUT AVE.

NOTES

LOTS ARE TO BE SERVED BY WELL & SEPTIC
PLAT REFERENCE: SM 60/50
"RESUBDIVISION OF LOTS 1 THRU 25
SECTION II WORTHINGTON PARK"
EXISTING ZONING IS RC-5
CRG APPROVAL DATE: DEC. 23, 1987
PARKING REQUIRED: 2 SPACES
PARKING PROPOSED: 2 SPACES
PRIOR ZONING HISTORY: NONE
BALTIMORE COUNTY 200 SCALE MAPS: NW-15H
SITE IS NOT LOCATED WITHIN THE CHESAPEAKE
BAY CRITICAL AREA

**PETITIONER'S
EXHIBIT NO. 31**





T-NW T-NE

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

BALTIMORE COUNTY
OFFICE OF PLANNING AND ZONING
OFFICIAL ZONING MAP

1992 COMPREHENSIVE ZONING MAP
Adopted by the Baltimore County Council
Oct. 15, 1992
Ord. Nos. 189-92, 184-92, 185-92, 186-92, 187-92, 188-92, 189-92

William A. Howard
Chairman, County Council

SCALE
1" = 200'

DATE
OF
PHOTOGRAPHY
JANUARY
1986

LOCATION
TIMBER GROVE

SHEET
N.W.
15-M

#31